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ABSTRACT

The author of this paper contends that, since the inception of the Family Privacy Act of 1974, basic educational research has become stifled by the law, and by the policies and procedures enforced by public schools. He defines basic research as that which attempts to discover the underlying principles governing fact or truth in learning or human behavior. Local educators and politicians often opt for field investigation studies to assist them in decision-making. The result is less sympathy for the generation of funds to support basic educational research. The paper suggests collaboration between school-based and university-based researchers as a partial solution to the problem. Additional suggestions are for more emphasis on research in educational administration training programs and for interpretation of the results of research to local and state education agencies. Other topics discussed in this paper include the cost of conducting research and the establishment of a research review committee. (Author/LD)

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A LOCAL EDUCATION AGENCY'S APPROACH TO THE PROTECTION OF HUMAN SUBJECTS IN EDUCATIONAL RESEARCH AND DEVELOPMENT

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Paper presented at the annual meeting of the American Educational Research Association, San Francisco, CA. April, 1979

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A LOCAL EDUCATION AGENCY'S APPROACH TO THE PROTECTION OF HUMAN SUBJECTS IN EDUCATIONAL RESEARCH AND DEVELOPMENT

In the course of completing a Ph.D. at Indiana University in 1966, I requested permission to conduct my doctoral research study in the Indianapolis Indiana Public Schools and ran square into the Family Educational Rights and Privacy Act of 1974. If the school system was to allow me the privilege of conducting my research studies with its population of students, I found, there were a few conditions that I must agree to before hand.

First, the study was to have a high probability of producing more information of usable educational significance to the school system, its teachers, administrators, etc.

Second, any information that I gathered was to remain in strict confidence so as not to violate the privacy of any student, or teacher, or the district.

Third, the school district was to receive 3 copies of my thesis so it would be available to them for their use if they needed the results of my research for decision making.

Fourth, I was to pay any and all costs of conducting my study.

Fifth, I was not to bother any person working in the district or have them do anything for me as their time was paid for by the district to perform work for the district, not for me.

I was also informed that the purpose of educational research in the public schools of 1965 was to improve the educational process, program content or techniques for the local district. Further if it was to be of value the results of the research should be valid, reliable, and timely so as to assist decision makers to evaluate problems and make rational defensible decisions.

I finished my study in Indianapolis and began doing research in other school districts where I found a number of constants surrounding educational research in public schools.

First, the five conditions imposed in Indianapolis were relatively standard throughout the country.

Second, public school system staff and decision makers were in desperate need of research or evaluation studies that provided them with information to assist in solving their problems.

Third, no matter how hard they tried they were unable to obtain very much assistance from University researchers unless the researchers problem and theirs coincided.

Fourth, neither state departments of education nor the U.S. Office of Education was sympathetic or understanding of local school systems problems of information deficiency and the need for internal research/evaluation capabilities.

In 1969 I was afforded the opportunity of managing a department of Research and Evaluation in Louisville, Kentucky and then in 1974 I took a position in the Eugene Oregon public schools managing a Department of Research, Evaluation, Planning and Development. In both instances it became quickly apparent that the conditions imposed upon me in Indianapolis in 1965 had to be imposed upon outside researchers interested in doing research on the Louisville and Eugene schools. It also became obvious that the four constants and purpose for research noted above were operating in both districts. The issues of protecting the children of the district from outside researchers, full disclosure of research intentions to parents, parental permission to allow their children to be involved in research studies, and preexamination of research material by parents had to be attended to when one was responsible for the conduct of research while employed in a

public school system. In essence then, most public schools that had Research/ Evaluation departments were already protecting the educational and privacy rights of families at least as far back as 1965. In addition school districts that had Research/Evaluation departments also were developing policies and procedures to screen outside research requests and were doing needs assessments to inform out of district researchers of the kind of studies they wanted performed. (See appendix 1 for Louisville and appendix II for Eugene).

The policies and procedures, with respect to research in the public schools have not changed since the inception of the Family Privacy Act of 1974. One reason is that most public schools were in compliance with the act before it was written. Another reason is the act, at present, does not restrict our right to obtain information to assist us in program development, teaching, testing, etc. where our purpose is to assist the students that we are responsible for. The only thing that has changed is that school districts have communicated their policies to a wider audience (See appendix III for one districts policy). What the act has done is impose a new set of restrictions on any researcher, outside of our employment, by restricting their access to information in our files, by demanding parental written consent forms, and by requiring that parents have a right to inspect all instructional material used in connection with the research or developmental program. My position in 1979 with regard to the impact of the Family Privacy Act in the public schools is the same as it was in 1976 when I presented a paper about the effects of that law titled "Release of Research Information - A Tale of Two Cities" (April, 1976, AERA Conference Proceedings).

> "Now, after most of the facts are in and more of them coming in, some short period of time after the enactment of federal privacy regulations, designed to protect the privacy rights of parents and students with all amendments intact, almost everyone in school districts seems to agree that they are not only satisfied with the

> way that all of this has shaken down but are very happy to have had it happen, have few, if any, problems with the act or the ramifications therein. From a school districts point of view the new laws and the amendments have brought about a revision, a clarity and a rigorous implementation of policy directed toward the protection of their constituent's rights of privacy" (Barber 1976).

The only change of attitude that has occurred from living with this law for three years is the increasing awareness that basic educational research, ie that research that attempts to discover the underlying principals governing fact or truth in learning or human behavior, is at a standstill, stifled by the law and the policies and procedures rigidly enforced by public schools. Kerlinger, in an excellent paper, has warned us of these problems and they should be delt with in a different way than is evident presently (Kerlinger 1977).

The fact of the matter is that research in the public schools is not really research in the English and English (dictionary) definition of research. It is more field investigation, or field observation, in that rarely do we systematically attempt to discover the laws or principals that govern the facts that bear upon a problem. Most often we simply attempt to discover the facts that bear upon a problem. Obviously then our purposes differ with those of laboratory, or clinical researchers. Even with this difference our methodology is often identical and equally rigorous. Richard Schutz in his May 1976 Educational Researcher editorial said it better than anyone else so far.

> "Academic research on schools differs from operational research in schools. The differences lie not in methodology or merit but in context and communication" (Schutz 1976).

To this I would add only that there are additional differences in less time available to conduct studies and the burden of a demand for utility of the findings of research in the public schools.

Public school system boards, administrators, and teachers are increasingly

aware of the necessity of data, if you will facts, for decision making, because of this - "The primary purpose for the extension of a department of research and evaluation in a public school system is to provide information for decision making. That information should be timely, valid, reliable and of sufficient depth and quantity to speak squarely to the issues at hand" (Barber 1972). At this point in time local educators, decision makers and politicians simply ignore the arguments supporting basic-fundamental research over policy research or field investigation in making educational decisions. They would like to have the results of basic research in their decision making/planning process but since it is not forthcoming they will not, can not, withhold the decision process. Instead they opt for field investigation studies to assist them in decision making in the particular issues or problems at hand. In so doing they increasingly become less tolerant of the necessity of basic research. The consequence of this circular argument is that over time there is less sympathy for the generation of funds to support basic educational research, a deplorable condition indeed. A tentative resolution of this dilemma is the possibility of collaboration between school based and university based researchers. An earlier paper has explained this issue in greater detail (Barber 1978). Thus, the realities of research in schools are relatively clear, the search for truth for the sake of truth is not nearly as palatable as the search for truth to make a defensible decision that will resolve the sticky issues at hand. There are some possible strategies that could be employed to modify these realities and they will be spoken to at the end of this paper.

The cost of conducting research in a public school system is a very necessary consideration in making a decision about participation in research. Generally the cost to conduct a research study with internal staff is approximately one half the cost it would be if the district went outside and hired a research group

to conduct the same study. In addition if a district can afford an internal research, evaluation, planning staff the productivity for that staff is very high. A case in point is Eugene, Oregon where a full time professional staff of 7 people have produced approximately one hundred and ninety studies in four years at a cost of approximately $3,000 per study. At least half of those studies have brought about policy change, district procedural changes, or program modifications within the district. In addition, the results of these studies would be of great interest to many other districts beyond our own. Studies conducted by out of district staff generally are most costly and slower to fruition. The costs of assisting out of district researchers is high for 3 basic reasons.

First, they do not know very many people in the district and often require full time guides to lead them around and assist in paving the way into classrooms, offices, etc.

Second, they have very high overhead costs, generally private companies charge as much as 100% of the study costs for overhead and universities and labs and centers charge approximately 75% of the cost of conducting the study for overhead.

Third, the district has to ensure that the privacy of their constituency is not breached by the outsiders and must establish defensible checkpoints to ensure that privacy at a cost of space and personnel funds.

In a district like Eugene's where we share space in the community with a major university we screen up to 200 requests to "do research" in a school year, our costs would be enormous if we granted all requests. Our solution to much of this dilemma has been to establish a "Research Review Committee". The committee is composed of 13 members, three central office staff, four principals, two teachers,

one counselor, two curriculum specialists and one university professor. (When we can get them to do it we add more university professors) The purpose of the research review committee is to screen requests for research and accept or deny proposed research studies, measured against our criteria for acceptance. Our criteria are as follows:

One, the study should be of direct benefit to the district or to the schools or classroom teachers of the district.

Two, the study should have a high probability of providing useful information for curriculum content change.

Three the study will in no way violate the rights of any employee or student, and will not be at odds with the Federal Family Privacy Act, state law or board policy.

Four, the study will not place the health or safety of any employee or student in jeopardy.

Five, there will be no cost to the district.

In addition, the district annually performs a needs assessment to determine desirable research topics and the research review committee will on occasion fund a research proposal if the proposed study is congruent with stated information/ data needs. In essence then the research review committee serves, among other things as a local human subjects protection committee, much like university committees established after the 1974 Family Privacy Act. Of interest at this point, however, is that a number of school districts had formed research review committees with similar purposes to those noted above in the early 70's long before the establishment of the Family Privacy Act (See appendix I).

You will note however that the criteria for selection of research studies is very biased in favor of field investigation studies and severely restricts basic

research. One possible way of changing these conditions would be to change the federal approach to funding educational research and evaluation and to involve school district officials early in the process. Well in advance of funding decisions, a consortium of local, state, and higher education personnel should be utilized to assess areas where applied research is needed. Local education agencies, evaluation and research staff should develop research capabilities for conducting applied research in response to these stated needs. The review and analysis of applied research needs should also serve to identify areas where basic research is needed. This coordination effort should be headed by the National Institute of Education.

Additional changes should be made in the area of research training, especially for users of research data. At present, there is little emphasis on research in most education administration training programs or inservice programs for administrators and/or boards. NIE should develop training programs in the utilization of research for users of research, such as superintendents.

There is also a growing need for a new educational occupation: that of a translator of educational research whose function would be to work with local and state agencies to identify, synthesize and interpret the results of both basic and applied research and to make suggestions to decision makers about needed research.

Producers of research data need training in communicating the results of that research to potential users. Researchers need to understand that educational decision makers operate in a political atmosphere -- one which varies considerably from the atmosphere of the university or research lab.

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Louisville Public Schools

J. GRAHAM BROWN EDUCATION CENTER
Fourth at Broadway
LOUISVILLE, KENTUCKY 40202
Area Code 502/ 585-2231

SUPERINTENDENT
NEWMAN WALKER

DEPARTMENT OF RESEARCH AND EVALUATION
LARRY W. BARBER, Chairman

October 30, 1973

To Whom It May Concern:

During the past several months, we have had several requests from various people to conduct research studies in our System. It is our feeling that research is essential if we are to continue to develop the kind of educational program needed to meet the needs of children in the Louisville Public Schools--particularly those in the inner-city. Because we believe there is a place for responsible research as it relates to children in elementary and secondary public schools, we welcome well-thought-out research proposals. However, such research must be designed to take into consideration the requirements of the university and the needs of the School System.

In general, public school systems operate with an information deficit. There are a number of areas of concern to public school decision makers where there is insufficient information of a definitive nature to bring to bear on the decision-making process. The decision-making process, however, must occur in light of the kinds, scope and depth of problems that exist at the public school level. Often constraints are considered that are not really constraints, and assets are considered that are not really assets.

One approach to this problem would be to simply continue making decisions with inadequate, inappropriate or insufficient information. Another would be to bring to bear upon these problems the brain power, knowledge and expertise of people outside the public school system who could contribute to an information base for decision-making. We deem the latter to be much more effective.

The Research Review Committee has established a procedure to follow when requests to do research are received. Upon request from a person to do a research project in our schools, this letter is sent to that person to have their proposal prepared according to specification. The proposal, after being returned to my office, is then submitted to the members of the Research Review Committee. There are nine members on this committee, so if nine copies of the proposal are submitted, an answer as to whether the proposal can be approved may be received sooner. These copies can be returned to the initiator of the request, if desired.

Appendix I

It generally takes at least three to four weeks for our Committee members to respond and for any decision to be made. Many times, persons requesting permission to do studies do not know this and will expect to be allowed to proceed at once. This is definitely not the case. All requests must be processed by the Research Review Committee before any action is taken. After this has been done, I will then notify the person who has submitted the proposal whether or not approval has been granted to conduct the study. Once this written approval is given, the project can be initiated at once.

If you are interested in doing research in the Louisville Public School System, please submit your proposal to me at the address below and observe the following format:

1. Name, address, telephone number and affiliation of person submitting the proposal.

2. Title of proposed research.

3. Statement of purpose (the questions you are proposing to answer with the study).

4. Design and implementation
   a. statement of problem.
   b. what experimental hypotheses are to be tested?
   c. what are the dependent variables?
   d. what are the independent variables?
   e. how are the variables to be measured?
   f. what is the design?
   g. what is the experimental procedure?
      1. what apparatus will be used?
      2. what steps are necessary to complete the study (clearly state in sequence)?
      3. how will the results be gathered and analyzed?
   h. what other related research has been done in this field?

5. If direct involvement of pupils will be required, please list any restrictions or qualifications relative to the type of pupils needed.

6. If direct involvement of the staff of the Louisville Public School System is required, define staff, the amount of time they are to by involved, the extent of the involvement and any other information helpful to understanding the approach.

7. If any non-standardized instrument is to be used, please attach a sample of it to this request. If the instrument is standardized, please describe it.

8. A statement detailing how the results of the study could be valuable to the Louisville Public School System.

Appendix I

3--October 30, 1973

It must be understood that no names of individuals or schools will be used in this study unless permission is granted in writing. It is also understood that the director of any project that is approved will, upon termination of the project, send a final copy of the completed research report including a summary report of no more than three pages to the chairman of the Research Review Committee for submission to the members of the Committee, the Superintendent and the Board.

At the present time, the Louisville Public School System leans favorably toward process evaluation types of studies. This is not to say that other types of studies are not encouraged. However, the System has a greater need for studies which will be of immediate benefit in aiding the decision-making process.

Please note that it is the responsibility of the person initiating any approved research proposal to contact the schools desired to be used in the proposed study to ask for their cooperation and participation. Approval granted by the Research Review Committee is only for the proposal to be conducted in the School System; it is always the individual principal's decision to participate or to decline participation in any research study.

If you have any questions, please contact my office.

kjk

Send research reports to: Dr. Gerald L. Natkin, Director
Division of Program Evaluation
Brown Education Center, Room 1234
675 River City Mall
Louisville, Kentucky 40202

Appendix I

Topics Needing Research in the
Louisville Public School System

November 6, 1972

1. Studies of teaching staff relating teacher characteristics to teaching style, student achievement, job satisfaction and professional aspirations.

2. Self-fulfilling prophecies operating in schools.

3. The assessment of various special programs in the District.

4. Alternatives to group intelligence and achievement testing.

5. The development and pilot testing of evaluation instruments for diagnostic/prescriptive instruction, process evaluation and affective evaluation.

6. Instrumentation for diagnostic/prescriptive instruction.

7. The development of delivery systems for diagnostic/prescriptive instruction.

8. The characteristics of persons attempting to establish helping relationships with diagnostic/prescriptive instruction teams.

9. A comparison of diagnostic/prescriptive instruction techniques to more conventional techniques.

10. Studies of student needs, attitudes and motivation.

11. Development of instruments and procedures for the evaluation of teacher effectiveness.

12. The development of educational personnel accountability systems.

13. The development of information systems.

14. The evaluation of administrative personnel, ie, general evaluation methods, assessment of specific skills and job description studies.

15. Evaluation of organizational frameworks and their effectiveness in supported differentiated staffing.

2 -- List of Topics

16. Discrepancy studies between pre-service training and in-service behavior for all staff members.

17. The effectiveness of teacher training programs at the university level.

18. Background and professional developmental studies of exemplar teachers.

19. Student expectations of teachers and administrators.

20. The in-service training of teachers as it relates to the caring needs of students.

21. The development of operational and strategic crisis detection mechanisms.

22. The development of a viable mechanism for budgeting resources to local schools.

23. The real and imagined constraints that face the School System.

24. The type and sequencing of needed administrative decisions.

25. The development of creative ways of using demographic data for decision-making.

26. The utility of classroom climate instruments.

27. The selection, training and effective use of paraprofessionals.

28. Special education program change.

29. The process used to place children in special education categories.

30. The effectiveness of various department and associated agency functions at the central administrative level.

31. An assessment of community involvement.
    a. What difference does community education make?
    b. Community involvement: neighborhood school boards; impact on student achievement; impact on teacher and parent attitudes; instruments.

32. Transient children -- how are they affected emotionally and academically by moving from school to school?

33. What academic programs are best suited to needs of transient children?

Appendix I

3 -- List of Topics

34. First year teachers: reasons for discrepancy between knowing subject matter and effectively communicating it to students.

35. What are the characteristics of truly dedicated and professional teachers as opposed to those performing at minimal levels of professionalism?

36. Discipline: Are disciplinary measures such as student suspension viable alternatives in 1972?

37. Team teaching -- characteristics of effective teams; training programs for team teaching.

38. Impact of inservice training activities on affective development of teachers and parents.

39. Standardized testing -- impact of teacher attitudes toward testing.

40. Teacher resistance to teaching by objectives.

41. Teacher apathy.

42. Teacher selection -- what criteria?

43. Student success -- what criteria other than grades, tests?

44. Middle class students -- increasing alienation.

45. Application of management theory in education (instruction).

c. what are the dependent variables?
d. what are the independent variables?
e. how are the variables to be measured?
f. what is the design?
g. what is the experimental procedure?
   1--what apparatus will be used?
   2--what steps are necessary to complete study (state in clear sequence)?
   3--how will results be gathered and analyzed?
h. what other related research has been done in this field?

5. If any non-standardized instrument is to be used, please attach a sample of it with the request. If instrument is standardized, please describe it.

6. If direct involvement of pupils will be required, please list any restrictions or qualifications relative to type of pupils needed.

7. If direct involvement of staff of the Eugene Public School system is required, define staff, amount of time they are to be involved, extent of involvement, and any other information helpful to understanding the approach.

8. A statement detailing how the results of the study could be valuable to the Eugene Public School system.

9. All proposals must follow the style of the American Psychological Association as presented in Publication Manual of the APA, 2nd edition, 1974.

It must be understood that no names of individuals or schools will be used in this study unless permission is granted in writing. It is also understood that the director of any project that is approved will, upon termination of the project, send a final copy of the completed research report, including a summary report of no more than three pages, to the chairman of the Research Review Committee for submission to the members of the committee, the Superintendent, and the Board of Directors. When possible, direct presentation of results to the participants is encouraged.

At the present time, the Eugene Public School system leans favorably toward process evaluation types of studies. This is not to say that other types of studies are discouraged. However, the school system has a greater need for studies which will be of immediate benefit in aiding the decision-making process.

Please note that approval granted by the Research Review Committee is only for the proposal to be considered in the school system: it is always the individual principal's or teacher's decision to participate or to decline participation in any out-of-district research study.

If you have any questions, please contact my office.

Send research requests to:

Charles E. Stephens
Research Specialist
School District 4J
200 North Monroe Street
Eugene, OR 97402

Telephone: 687-3483

jd

Appendix II

SCHOOL DISTRICT 4J EUGENE PUBLIC SCHOOLS

200 North Monroe Eugene, Oregon 97402

October 1977

Dear Research Requester:

During the last several years, this district has received numerous requests from various people to conduct research studies that involve students and/or staff. It is our thought that research is essential if we are to continue to develop the kind of educational program needed to meet needs of children in the Eugene Public Schools. Because we believe there is a place for responsible research as it relates to children in elementary and secondary public schools, we welcome well-thought-out research proposals. However, such research must be designed to take into consideration the requirements of the researcher and the needs of the school system.

To assist in keeping research focused on needs of the school system, a Research Review Committee has established a procedure to follow when requests to do research are received. The proposal, after being received by the Division of Research, Development and Evaluation, is submitted to the Research Review Committee. The membership of this committee consists of classroom teachers, principals, district level personnel, and a representative of the College of Education, University of Oregon.

In order to facilitate review of the proposal by all members of the committee, one complete, formal copy of the proposal, as well as 15 summaries (as outlined in items 1-9) should be submitted. It generally takes three to four weeks for the committee members to respond and for a decision to be made. Many times, persons requesting permission to do a study are not aware of this time factor and expect to be allowed to proceed at once. All requests must be processed by the Research Review Committee before any action is taken. After the committee has reviewed the study, the person who has submitted the proposal will be notified in writing whether or not approval has been granted to conduct the study. Once this written approval is given, the researcher may contact the principals. The final decision regarding participation in an out-of-district study rests with the principal.

If you are interested in doing research in the Eugene Public School system, please observe the following format in submitting your proposal:

1) Name, address, telephone number and affiliation of person submitting the proposal.

2) Title of proposed research.

3) Statement of purpose (the questions you are proposing to answer with the study

4) Design and implementation
   a. statement of problem.
   b. what experimental hypotheses are to be tested?

Appendix II

EUGENE PUBLIC SCHOOLS
School District 4J, Lane County
Eugene, Oregon
May 28, 1975

TO: Research Review Committee

FROM: Charles E. Stephens

SUBJECT: Topics for research

Earlier this year, a memorandum to principals, directors of education, counselors, reading specialists, speech clinicians, school psychologists and department chairmen asked for suggestions of topics they would like to see researched. The following list summarizes the ideas which have been received.

-- Evaluation of alternative school programs.

-- How can elementary school counselors be more effective?

-- Empirical evidence to support cut-off date (any cut-off date) for entry into school.

-- Reassess early entry policy.

-- Penmanship programs (i.e. best method to teach legible cursive and manuscript; when should cursive be initiated; methods for teaching left-handed writers; sizes of pencils).

-- Study of student attitudes, beliefs and understandings.

-- Study of participatory planning efforts (district-wide) involving parents, students and general community members.

-- Study of the full range of alternative learning environments possible and what versions now exist in District 4J.

-- Reading:

A comparison of achievement of those students attending kindergarten with those not attending.

The effect of direct instruction in relationship to reading achievement.

Teacher expectation in reference to "identified" students.

Effect of class size on reading achievement.

Correlation between success in reading and spelling ability.

-- Are elementary schools preparing students in grammatical skills that will be functional at the junior high school level?

-- "The improvement in reading, writing and vocabulary building that results from instruction in typewriting classes in gr. 10, 11, 12, at South Eugene High."

jd

appendix III

Eugene Public Schools
School District 4J
Lane County, Oregon
January 6, 1975

To: All Principals

Re: Family Educational Rights and Privacy Act of 1974
(Student Records)

The State Department of Education is presently preparing guidelines to assist local school districts in the preparation of policies on student records. At the federal level, the Health, Education and Welfare Department is also in the process of preparing regulations relating to the new act. These guidelines could change some of the present interpretation of this new act. Because of these developments, it seems unwise for the district to develop new written policies at this time. However, our legal counsel has assisted in drafting the following interim guidelines and procedures which should be observed:

1. All student records in your building should be maintained in a central location, if practicable, and the filing cabinets in which they are contained should be marked "Confidential".

2. If practicable, one person in your building should be designated custodian of student records. If not, then each teacher in control of student records is deemed the custodian of these records. Each custodian should be responsible for maintaining as a permanent part of each student file in their possession a signed record of what third person, agencies or organization have been granted access to the student record, specifying their legitimate educational or other interest in seeking the record. The third person, agency or organization should be asked to fill out and sign the enclosed form before any student records are released. The record of access should then be placed in the student's folder as part of the student record. (Forms are stocked in the warehouse.)

3. Only school personnel in your building with a "demonstrated educational interest" should be permitted to view any student records without written consent of the parent.

4. Certain State Department of Education officials and certain officials of federal agencies are entitled to access to student records, without parent permission, however, upon any such request, you should contact Herman Lawson.

5. Student records in your building shall be available for inspection and review by the individual student's parents, except that behavioral records may be reviewed only in the presence of a person qualified to interpret those records.

6. When a child moves to another school district, and you receive a request from that district for the student's records, certain requirements must be met before you release such records. The new act provides that student records may be transferred in this situation with parent consent or without parent consent if:

   (a) the parents are first given notice of the transfer
   (b) are furnished with a copy of the student records if they request them
   (c) are afforded an opportunity to challenge the content of the record to be transferred.

In addition, you must be mindful that Oregon law requires that behavioral records be released only in the presence of a person qualified to interpret those records.

Appendix III

In order to satisfy both federal and state requirements, we recommend that as soon as you learn that a family is about to move, that you notify the parents that upon enrollment in the new school, there will be a request from that school for the transfer of student records and that they have an opportunity to review those records and challenge their content, or they may simply give their written permission for the release of the records. The parent should be informed that if they request it and pay the photocopying cost (10¢ per page) they will be furnished with a copy of the child's progress records. However, they should be informed that if they wish to review or challenge the behavioral records in the child's file, they will have to come to the school so they may be reviewed in the presence of a person qualified to interpret such records in accordance with Oregon law.

In instances where you receive a request from another district for a student's records without an opportunity to follow the foregoing procedure, you should send the requesting district a copy of the District 4J Parent Permission form and ask that the form be signed by the parent and returned to you. (Permission form is stocked in the warehouse) If parent consent cannot be obtained by the other district, then you should contact Herman Lawson. Behavioral records may also be released to the requesting district within the state, but will not be sent out of state.

7. You may release student progress records in connection with a student's application for, or receipt of, financial aid, without parent consent.

8. When a parent challenges the content of the student's records, you should attempt to first resolve the dispute on an informal basis. If that effort should fail, then Herman Lawson should be contacted with regard to the procedure to use in granting the parent a formal hearing in which to challenge the content of the student's records.

9. The new act states that student records may be released without parent consent upon judicial order or lawfully issued subpoena if the student and the parents are first notified. However, Oregon law provides behavioral records may be released to a court only by the superintendent or his representative, or upon consent of the parent, and then only in the presence of a person qualified to interpret the records. Whenever you receive a judicial order or a subpoena for the production of student records without written parent consent for the release, you should contact Herman Lawson.

10. Any time parent consent is deemed necessary for the release of student records, the consent obtained should be in writing, specifying the records to be released, and a copy of the record should be furnished the parent if requested, except for the behavioral record portion which the parent should be informed may be reviewed before a person qualified to interpret such records.

11. Parents of children involved in any research or experimentation program in your school have the right to inspect all instructional material, including teacher manuals, films, tapes or other supplementary instructional material which will be used in connection with the program. "Research or experimentation program" means any program designed to explore or develop new or unproven teaching methods or techniques. If any problems develop from a parent's inspection of such programs and objections thereto, call Herman Lawson.

Appendix III

12. When a student has reached the age of 18 years, it is the student that controls access to his or her file and not the student's parents.

I am enclosing for your information a copy of the letter which outlines for parents their rights under the new law. Please discuss this topic with members of your staff.

Thomas W. Payzant

Thomas W. Payzant
Superintendent

jb
Enc.

Appendix III

Eugene Public Schools
School District 4J
Lane County, Oregon

RECORD OF ACCESS GRANTED TO STUDENT FILE

of

_____
(Name of Student)

	Signature of User	Reason for Use	Written Permission (Yes or No)	Date
1.				
2.				
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				
12.				

Appendix III

SCHOOL DISTRICT 4J EUGENE PUBLIC SCHOOLS

200 North Monroe Eugene, Oregon 97402

January 21, 1975

To: All Principals

Re: Clarification of Statement in Parent Letter on Student Records

Questions have been raised regarding section 3c in the parent letter explaining the Privacy Act. It reads: "School districts will not release student records to other persons or agencies without prior consent of the parent except: c. To authorized representatives of certain governmental agencies specified in the Act".

Some parents are concerned that governmental agencies may include the F. B. I, Secret Service, or Local Police Department. The Act specifically states that records may be released to the following agencies without written consent of the parents:

Authorized representatives of the Comptroller General of the United States

The secretary or an administrative head of an education agency responsible for enforcing provisions of this Act

State education authorities

State and local officials or authorities to whom such information is specifically required to be reported or disclosed pursuant to State statute adopted prior to November 19, 1974.

Herman Lawson

HL;jb

Appendix III

Eugene Public Schools
School District 4J
Lane County, Oregon

PARENT (GUARDIAN) PERMISSION FOR RELEASE OF STUDENT RECORDS

I have been informed that prior to release of student records, I have the right to review the records, to receive a copy of the records at my expense if I desire a copy, and the right to have a hearing if I wish to challenge the content of the records.

I hereby give my permission to _____ School
(Name of school)

to immediately release the records of _____
(Name of student)

Release records to: _____
(Name of person or agency)

Records to be released: _____
(Describe student records to be released)

_____
Signature of parent (guardian), OR

_____
Signature of the student if the student is 18 years of age

Dated this _____ day of _____ 197__

_____
Witnessed by

_____
Title

78/1-75